

2. Thereafter, on June 21, 2017, Plaintiff filed an Amended Complaint in the State Court Action, a true and correct copy of which is attached hereto as **Exhibit “B.”**

3. Federal question jurisdiction exists in this action. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the action arises under the Constitution, laws, or treaties of the United States. Specifically, in its original Complaint and in its Amended Complaint, Plaintiff alleges that Defendants violated the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961 *et seq.*

4. Each of Plaintiff’s state law claims arise under the same facts and circumstances as Plaintiff’s federal claims. Accordingly, pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff’s state law claims because they are so related to claims in the action within the Court’s original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

VENUE AND PROCEDURE

5. This Notice is timely filed within thirty (30) days of when MAA was served with Plaintiff’s Complaint pursuant to 28 U.S.C. § 1446(b). MAA accepted service of the State Court Action on June 22, 2017.

6. MAA’s counsel obtained consent to removal of the State Action from Defendants H. Eric Bolton, Jr., Thomas L. Grimes, Jr., James Maclin, Al Graff, Jr., Gary Shorb, D. Ralph Horn, William B. Sansom, Phillip Norwood, W. Reid Sanders, Claude B. Neilson, and Edward Moore, all of whom have been properly been joined and served and all of whom, in fact, consent to removal. *See Harper v. AutoAlliance Int’l, Inc.*, 392 F.3d 195, 201 (6th Cir. 2004) (finding attorney’s representation that remaining, non-removing defendant had provided consent to

removal without filing actual written consent to removal satisfied the rule of unanimity necessary for removal).

7. Pursuant to 28 U.S.C. § 1441(a), venue is proper in this Court because the State Court Action is pending in the Chancery Court of Shelby County, Tennessee, for the Thirtieth Judicial District at Memphis, which is within the Western District of Tennessee, Western Division. Venue, therefore, is proper in this Court because it is the “district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

7. Consistent with 28 U.S.C. § 1446(a), MAA is providing this Notice, which provides the requisite “short and plain statement of the grounds for removal,” and is signed by counsel pursuant to Federal Rule of Civil Procedure 11. True and correct copies of all remaining pleadings served in the State Court Action are attached hereto as **Exhibits “C.”**

8. Pursuant to 28 U.S.C. § 1446(d), counsel for Plaintiff will be served with a copy of this Notice of Removal, and a copy of this Notice of Removal will be filed with the Clerk of the Chancery Court of Shelby County, Tennessee, for the Thirtieth Judicial District at Memphis.

9. In light of the foregoing, removal of this case to the United States District Court for the Western District of Tennessee, Western Division, is proper.

WHEREFORE, Defendant Mid-America Apartments, L.P. respectfully notifies this Court, the state court, and Plaintiff of the removal of this action from the Chancery Court of Shelby County, Tennessee, for the Thirtieth Judicial District at Memphis, to the United States District Court for the Western District of Tennessee, Western Division.

Dated: July 17, 2017

Respectfully submitted,

s/ Frank L. Watson III

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 2017, I served the foregoing Notice of Removal, *via* regular U.S. Mail and electronic mail, upon the following counsel for the parties:

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